



05-24-06

PATENT  
Attorney Docket No.: 34585-503

TAE  
IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/645,237 Confirmation No.: 7166  
Applicant(s) : Oleg Logvinov, *et al.*  
Filed : August 21, 2003  
TC/A.U. : 2636  
Examiner : Swarthout, Brent  
Title : **Method and System For Modifying Modulation of Power Line  
Communications Signals for Maximizing Data Throughput Rate**

**MAIL STOP PETITION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**EXPRESS MAIL TRANSMITTAL**

I hereby certify that the documents and/or fee(s) listed below are being deposited with the United States Patent and Trademark Office as Express Mail bearing Express Mail Label No. **EV 829091146US** under 37 C.F.R. §1.10 in an envelope with prepaid postage on the date indicated above and addressed to **MAIL STOP PETITION**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450:

1. Supplemental Submission for the May 17, 2006 Petition for Revival of an Unintentionally Abandoned Patent Application under 37 C.F.R. §1.137(b), [2 pgs.];
2. Executed Declaration of Oleg Logvinov in Support of Petition for Revival of An Unintentionally Abandoned Patent Application Under 37 C.F.R. § 1.137(b) [3 pgs.];
3. Copy of Express Mail Transmittal filed on May 17, 2006 [1 pg.];
4. Copy of Petition for Revival of an Unintentionally Abandoned Patent Application under 37 C.F.R. §1.137(b) filed on May 17, 2006 [3 pgs.];
5. Copy of Issue Fee Transmittal PTOL-85, Part B filed on May 17, 2006 [1 pg.];
6. Copy of Change of Correspondence Address filed on May 17, 2006 [1 pg.];
7. Copy of Check No. 3209 in the amount of \$1015.00 [1 pg.];
8. Copy of Check No. 3208 in the amount of \$750.00 [1pg.];
9. Express Mail Transmittal, [1 pg.]; and
10. Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at (212) 935-3000, New York, New York. The Director is authorized to credit any overpayment or charge any deficiencies to Deposit Account No. **50-0311**, Reference No. **34585-503**, Customer No. **35437**.

Dated: May 22, 2006

Richard G. Gervase, Reg. No. 46,725  
Timur E. Slonim, Reg. No. 47,095  
Attorneys for Applicants  
MINTZ LEVIN COHEN FERRIS  
GLOVSKY and POPEO, P.C.  
Chrysler Center, 666 Third Avenue, 24<sup>th</sup> Floor  
New York, NY 10017  
Telephone: (212) 935-3000  
Facsimile: (212) 983-3115

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 10/645,237 Confirmation No.: 7166  
Applicant(s) : Oleg Logvinov, *et al.*  
Filed : August 21, 2003  
TC/A.U. : 2636  
Examiner : Swarthout, Brent  
Title : Method and System For Modifying Modulation of Power Line  
Communications Signals for Maximizing Data Throughput Rate

**MAIL STOP PETITION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL SUBMISSION FOR THE MAY 17, 2006 PETITION FOR  
REVIVAL OF AN UNINTENTIONALLY ABANDONED PATENT  
APPLICATION UNDER 37 C.F.R. 1.137(b)**

Supplemental to Applicant's Petition for Revival of an Unintentionally  
Abandoned Patent Application Under 37 C.F.R. 1.137(b) ("Petition") filed on May 17,  
2006, Applicant submits the executed Declaration of Oleg Logvinov, dated May 18,  
2006, in Support of Petition for Revival of an Unintentionally Abandoned Patent  
Application Under 37 C.F.R. § 1.137(b), which was inadvertently omitted from the May  
17, 2006 submission of the Petition and related documents.

On May 17, 2006, Applicants submitted the following papers by express mail  
(Express Mail No. EV829091146US) to request revival of the above-referenced  
application under 37 C.F. R. § 1.137(b) (a copy of each is enclosed for your reference):

- Copy of Express Mail Transmittal [1 page];

- Copy of the Petition for Revival of an Unintentionally Abandoned Patent Application under 37 C.F.R. § 1.137(b) [3 pages];
- Copy of Issue Fee Transmittal PTOL-85, Part B [1 page];
- Copy of Change of Correspondence Address [1 page];
- Copy of Check No. 3209 in the amount of \$1015.00 [1 page]; and
- Copy of Check No. 3208 in the amount of \$750.00 [1 page].

As the filing of the Logvinov Declaration completes the submission of the Petition filed on May 17, 2006, Applicant appreciates the Office's consideration thereof. If the Office of Petitions has any questions or comments, the Office is invited to contact Applicant's below named representative immediately at phone no. 212-692-6704.

Applicant believes no further fee(s) is due at this time, however, the Director is authorized to charge any additional fees that may be due, or to credit any overpayment, to the undersigned's account, Deposit Account No. **50-0311**, Reference No. **34585-503**, Customer No. **35437**.

Dated: May 22, 2006

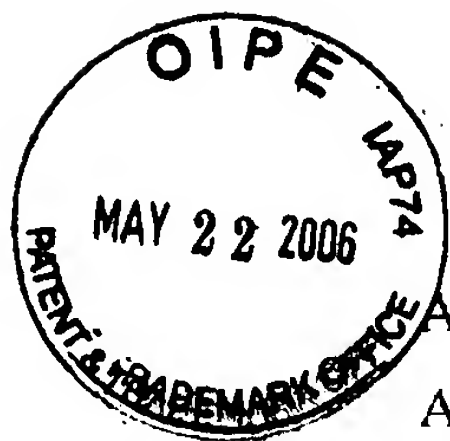
Respectfully submitted,



Richard G. Gervase, Reg. No. 46,725  
Timur E. Slonim, Reg. No. 47,095  
Attorneys for Applicants  
c/o MINTZ LEVIN COHN FERRIS  
GLOVSKY & POPEO, P.C.  
The Chrysler Center  
666 Third Avenue, 24<sup>th</sup> Floor  
New York, NY 10017  
Tel: (212) 935-3000  
Fax: (212) 983-3115

Express Mail Label No.: EV 829090790US  
Date of Deposit: May \_\_, 2006

Attorney Docket No.: 34585-503



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/645,237 Confirmation No.: 7166  
Applicant(s) : Oleg Logvinov, *et al.*  
Filed : August 21, 2003  
TC/A.U. : 2636  
Examiner : Swarthout, Brent  
Title : Method and System For Modifying Modulation of Power Line  
Communications Signals for Maximizing Data Throughput Rate

**MAIL STOP PETITION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION OF OLEG LOGVINOV IN SUPPORT OF PETITION FOR  
REVIVAL OF AN UNINTENTIONALLY ABANDONED PATENT  
APPLICATION UNDER 37 C.F.R. § 1.137(b)**

I, Oleg Logvinov, hereby depose and state as follows:

1. I am the President and CEO of Arkados, Inc. and have held these positions since May 24, 2004. The above-referenced application has been assigned to Arkados on August 27, 2004. I submit this declaration in support of Arkados' Petition For Revival of an Unintentionally Abandoned Patent Application Under 37 C.F.R. § 1.137(b). My declaration is based on my own personal knowledge.
2. Arkados, Inc. and its predecessor company Enikia LLC have been represented in the intellectual property matters, including patent preparation and prosecution, by the law firm of Norris McLaughlin & Marcus PA (the "NMM firm") for over 4 years. The NMM firm has filed over 30 patent applications in the U.S. and abroad and obtained 3 issued US patents for Arkados.
3. The PTO issued the notice of allowance for the above-referenced application on June 1, 2005. On June 28, 2005, Arkados' prior attorneys from the NMM firm withdrew from representation of Arkados without giving notice of the deadline for payment of the issue fee. The withdrawing NMM firm has forwarded 6 boxes of the voluminous patent files *en masse* to Arkados.
4. Arkados is a small company whose headcount had been only between 10 and 12 employees, none of whom is trained in the patent law field. Arkados has

Express Mail Label No.: EV 829090790US  
Date of Deposit: May \_\_, 2006

Attorney Docket No.: 34585-503

diligently undertook to review the files but has not been able to complete that process before the deadline to pay the issue fee for this allowed application.

5. Soon after the withdrawal of the NMM firm, I started negotiations with them to revive the relationship. In fact, in August 2005 the negotiations were already under way for the NMM firm to continue representing Arkados in the intellectual property matters. As a back up plan, in September 2005 I have also contacted other law firms in an effort to find replacement intellectual property counsel.
6. The PTO issued the notice of abandonment on October 26, 2005, which Arkados received shortly thereafter. Arkados never intended to abandon this already allowed application. Arkados places significant value on its patents and has continuously expanded its patent portfolio. In fact, Arkados already has 3 issued U.S. patents. Arkados relies on patent protection of its innovative technology and issues press releases about the issuance of its patents. Arkados also pursues foreign patent rights based on the U.S. applications in many countries. In addition to the already incurred R&D expenses to invent this technology, Arkados has already spent over approximately \$10,000 on preparation and prosecution of this application and would not want to abandon that investment after the application was allowed and additional fees were minimal. Therefore, Arkados was eager to add another patent to its patent portfolio and did **not** intend to abandon it.
7. As it had no patent counsel when it received notice of abandonment, Arkados was diligently working towards hiring patent counsel to reinstate this allowed application. In November 2005, Andreas Typaldos, the chairman of the board of Arkados' parent corporation CDKnet.com, and I promptly continued negotiations to hire back the NMM firm, the firm most familiar with the Arkados' applications because it has drafted and prosecuted almost the entire Arkados' patent portfolio. The negotiations with the NMM took several months. Arkados also looked into hiring other patent counsel.
8. After on March 31, 2006 the NMM firm finally rejected Arkados' proposals to continue work on Arkados' patent portfolio, Arkados has engaged Mintz Levin Cohn Ferris Glovsky & Popeo, P.C. ("Mintz Levin") in April 2006, to become its patent counsel. Mintz Levin has promptly reviewed the file and prepared the accompanying petition to revive this already allowed but unintentionally abandoned application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title

Express Mail Label No.: EV 829090790US  
Date of Deposit: May \_\_, 2006

Attorney Docket No.: 34585-503

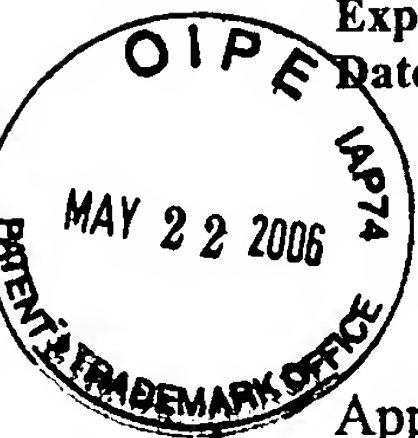
18 of the United States Code and that such willful false statements may jeopardize the validity of the application or patent issued thereon.

Date: May 19, 2006

  
\_\_\_\_\_  
Oleg Logvinov







Express Mail Label No.: EV 829090790US

Date of Deposit: May 17, 2006

Attorney Docket No.: 34585-503

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/645,237

Confirmation No.: 7166

Applicant(s) : Oleg Logvinov, *et al.*

Filed : August 21, 2003

TC/A.U. : 2636

Examiner : Swarthout, Brent

For : **Method and System for Modifying Modulation of Power Line  
Communications Signals for Maximizing Data Throughput Rate**

**COPY**

**MAIL STOP PETITION**

COMMISSIONER FOR PATENTS

P. O. Box 1450

Alexandria, VA 22313-1450

**CHANGE OF CORRESPONDENCE ADDRESS**

Sir:

Please change the corresponding address of the above-referenced patent to:

**Richard G. Gervase, Esq.  
Mintz Levin Cohn Ferris  
Glovsky & Popeo, P.C.  
666 Third Avenue, 24<sup>th</sup> Floor  
New York New York 10017  
Telephone: (212) 935-3000  
Telefax: (212) 983-3115  
Customer Number: 35437**

The undersigned are the attorneys of record in this case.

Respectfully submitted,

*T. Slonim*

Date: May 17, 2006

Richard G. Gervase, Reg. No. 46,725  
Timur E. Slonim, Reg. No. 47,095  
Attorneys for Applicants  
MINTZ, LEVIN, COHN, FERRIS, *et al.*  
666 Third Avenue-24th Floor  
New York, New York 10017  
Telephone: (212) 935-3000  
Telefax: (212) 983-3115



MINTZ LEVIN COHN FERRIS  
GLOVSKY & POPEO PC

NEW YORK INTELLECTUAL PROPERTY ACCT  
1966 THIRD AVE  
NEW YORK NY 10017

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

\$ 1750.00

Seven hundred fifty and 00/100

DOLLARS

DO NOT EXCEED OVER \$10,000.00

Bank of America



ACHRT 011000138

3485-503 Petition

FOR

11003320811101100013811 00942842229911

*[Signature]*

3208

53-13110 MA  
13876

DATE 5-17-06

MINTZ LEVIN COHN FERRIS  
GLOVSKY & POPEO PC

NEW YORK INTELLECTUAL PROPERTY ACCT  
1966 THIRD AVE  
NEW YORK NY 10017

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

\$ 1015.00

One thousand fifteen and 00/100

DOLLARS

DO NOT EXCEED OVER \$10,000.00

Bank of America



ACHRT 011000138

3485-503 Leave Fee

FOR

11003320811101100013811 00942842229911

*[Signature]*

3209

53-13110 MA  
13876

DATE 5-17-06